

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Confirmation No.: 7530  
: :  
Vijay K. BHAGAVATH et al. : Attorney Ref.: 1999-0494-Con  
: :  
Serial No.: 10/824,663 : Art Unit: 2623  
: :  
Filed: April 24, 2004 : Examiner: Jivka Rabovianski  
: :  
FOR: NETWORK-BASED SERVICE TO PROVIDE ON-DEMAND VIDEO  
SUMMARIES OF TELEVISION PROGRAMS

### STATEMENT OF FACTS

Honorable Commissioner of Patents & Trademarks

Alexandria, VA 22314


Dear Sir:

I, Ryan C. Durham, have reviewed and understand the following statements. I hereby make the following statements based on information and belief I believe to be true, with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001:

1. I found an email in our files including contact information for Robert Markowitz and Joseph Thomas O'Neil. See Exhibit A.
2. I searched online and found an email address for Vijay Bhagavath, [bhagavath@att.com](mailto:bhagavath@att.com). I sent an email to this address on February 23, 2009. See Exhibit B. That same day I emailed Robert Markowitz and Joseph Thomas

O'Neil a copy of the inventor declaration for their signature and asked for contact information for Vijay Bhagavath. See Exhibit C.

3. On February 23, 2009, Robert Markowitz sent me an email saying that Joseph Thomas O'Neil's email address is joeoneil2003@yahoo.com. See Exhibit D. Robert mentioned that Vijay was registered on LinkedIn.com. On February 23, 2009, I sent Vijay Bhagavath a message through LinkedIn.com, but the message bounced. See Exhibit E.
4. After some Internet research, I found evidence that Vijay Bhagavath works or worked at Siemens and found references to vijay.bhagavath@icn.siemens.com. I sent an email to joeoneil2003@yahoo.com and vijay.bhagavath@icn.siemens.com on February 26, 2009. See Exhibit F. I have not received a reply from either as of Thursday, May 21, 2009. The email sent to vijay.bhagavath@icn.siemens.com was returned as undeliverable. See Exhibit G.
5. I searched for Joseph O'Neil and Vijay Bhagavath on zabasearch.com and other "people finder" websites for individuals near AT&T headquarters in New Jersey. The search result telephone numbers provided only dead ends.
6. After more Internet research, I found an alternate Siemens email address for Vijay Bhagavath, vijay.bhagavath@siemens.com. On March 5, 2009, I sent an email to that address and it returned as undeliverable. See Exhibit H. Additional Internet research has not produced an alternative email address for Joseph Thomas O'Neil.

  
\_\_\_\_\_  
Ryan C. Durham

5-26-09  
\_\_\_\_\_  
Date

- Exhibit A -

From: Taylor, Ann E - LGCRP [aetaylor@att.com]  
Sent: Tuesday, August 26, 2003 5:26 PM  
To: tmi@tmilaw.com  
Subject: Docket No. 1999-0494

RE: Kaplan. (Docket No. 1999-0494)  
Serial No. 09/577,642  
AT&T LawPack Code: 1999010516

A CD containing a copy of our case folder for the above-identified application is being sent to you separately. Please assume responsibility for the case according to our outside counsel guidelines. Please handle its subsequent prosecution as you deem best suited to protect AT&T's interest in the invention, keeping us apprised of developments (actions/responses). An Associate Power of Attorney is being prepared and will be forwarded to you separately. AT&T is reviewing all actions and grant/annuity matters; please forward such to us before starting work on them.

Note that an Office action dated July 16, 2003 has been received; the three-month response date is October 16, 2003.

Formal drawings will be forwarded to you for filing with the Patent Office. If changes are needed, let me know and I'll arrange to have corrected boards prepared.

There was no foreign filing of this application.

Mr. Markowitz may be reached at: Room D5-2B05, 200 S. Laurel Avenue, Middletown, NJ 07748 (phone: 732-420-3840; email: rmarkowitz@ems.att.com).  
Mr. O'Neil may be reached at: Room D5-2D12, 200 S. Laurel Avenue, Middletown, NJ 07748 (phone: 732-420-3647; email: jtoneil@ems.att.com).

Should questions arise requiring AT&T attorney input, please contact Samuel Dworetsky at 908-532-1855. For instance, please contact Sam if a Final Rejection is received, has been discussed with the inventor(s), and an Examiner Interview is unsuccessful in resolving any remaining problems.

For billing purposes, the AT&T LawPack Code for this case is: 1999010516. Please follow the billing procedures in the outside counsel guidelines.

Please acknowledge receipt by return email.

If I can be of any help, please call me.

Ann E. Taylor

<<1999-0494 OA.pdf>>

- Exhibit B -

Page 1 of 1

**Ryan Durham**

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**From:** Ryan Durham  
**Sent:** Monday, February 23, 2009 3:17 PM  
**To:** bhagavath@att.com  
**Subject:** Declaration for patent application  
**Attachments:** 1999-0494-CON Inventor Declaration.pdf

Vijay, Robert, and Joseph,

We are prosecuting the patent application for a network-based service to provide on-demand video summaries, on which you are inventors. Please read, sign, and return to us the attached Inventor Declaration which states that

Thank you so much for your help and assistance in this matter. Here is the declaration for you to sign. Please review the declared statements and the attached exhibits carefully for accuracy. If you notice things which are incorrect, please let me know.

**Ryan C. Durham**  
Novak Druce + Quigg LLP

Dunkirk Office:  
10415 Southern Maryland Blvd., Suite 100  
Dunkirk, Maryland 20754  
Tele: (202) 531-8654  
Fax: (410) 510-1433

Washington D.C. Office:  
1300 Eye Street, N.W.  
Suite 1000 West Tower  
Washington, D.C. 20005  
Tele: (202) 659-0100  
Direct: (202) 204-1679  
Fax: (202) 659-0105  
[www.novakdruce.com](http://www.novakdruce.com)

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5/21/2009

- Exhibit C -

Page 1 of 1

**Ryan Durham**

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**From:** Ryan Durham  
**Sent:** Monday, February 23, 2009 3:57 PM  
**To:** rmarkowitz@ems.att.com; jtoned@ems.att.com  
**Subject:** Patent Application 1999-0494-Con  
**Attachments:** 1999-0494-CON Inventor Declaration.pdf

Robert, and Joseph,

We are prosecuting the patent application for a network-based service to provide on-demand video summaries, on which you are inventors. Please review the attached Inventor Declaration for accuracy. If you notice things which are incorrect, please let me know. The declaration basically states that you conceived of the invention before the actual filing date of the patent. After your review, please sign and return the declaration via email or fax. Thank you so much for your assistance in this matter.

Also, do either of you have an email address for Vijay Bhagavath? I have the address 'bhagavath@att.com', but it came back as undeliverable.

Best regards,

**Ryan C. Durham**  
Novak Druce + Quigg LLP

Dunkirk Office:  
10415 Southern Maryland Blvd., Suite 100  
Dunkirk, Maryland 20754  
Tele: (202) 531-8854  
Fax: (410) 510-1433

Washington D.C. Office:  
1300 Eye Street, N.W.  
Suite 1000 West Tower  
Washington, D.C. 20005  
Tele: (202) 659-0100  
Direct: (202) 204-1879  
Fax: (202) 659-0105  
[www.novakdruce.com](http://www.novakdruce.com)

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- Exhibit D -

Page 1 of 1

Ryan Durham

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From: remarkowitz1@aol.com  
Sent: Monday, February 23, 2009 7:40 PM  
To: Ryan Durham  
Subject: Patent Signature

Hi Ryan-

I received your message on LinkedIn for the video patent from AT&T that needed my signature to establish the date.

If you want to send it electronically, please send it to me at this email address:

remarkowitz1@aol.com

If you want to send it to my house, the address is:

36 Cedar Street  
Glen Rock, NJ 07452

Regarding Joe O'Neil, here is his email address:

joeoneil2003@yahoo.com

If you need his phone # I can provide that as well, just let me know.

Regarding Vijay, I lost touch with him but I know he had been working at Siemens. I did notice that he is on LinkedIn, so you may want to try him that way.

Thank you,  
Bob Markowitz

Access 350+ FREE radio stations anytime from anywhere on the web. [Get the Radio Toolbar!](#)

5/21/2009

- Exhibit E -

LinkedIn: Invitations: Sent

<http://www.linkedin.com/inbox?displayMailItem=&itemID=S10228183...>

**LinkedIn** People Jobs Answers Companies Account & Settings Help Sign Out Language

Explore People Search: Director at Apple - Internet (Silicon Valley) - VP Operations Search Inbox

Home

Groups

J. Reuben Clark Law Society...

Craigston Law School Alumni

State State College Alumni

See all »

Profile

Edit My Profile

View My Profile

Recommendations

Contacts

Inbox (2)

Compose Message


Received (2)

Sent

Archived

Applications

Add Connections

**Ryan Durham**

Patent Attorney at Novak, Driscoll & Quinn

Ryan is glad he paid attention in Calculus and Trigonometry. 21 days ago (Edit)

Your profile is 90% complete (Edit)

**Inbox**

Received (2) Sent Archived

**Invitations**

**Join my network on LinkedIn**

From: Ryan Durham  
Date: February 23, 2009  
To: Vijay Bhagavath  
Status: Bounced, Bounced

Messages to this email address could not be delivered.

**Vijay,**

Did you work at AT&T in 1999? I am working on a patent application about on-demand video summaries from 1999. We are trying to contact the inventors (you, Robert Markowitz, and Joseph O'Neill) to sign a declaration establishing a date of invention earlier than the actual filing date.

If you are the right Vijay, please email me at [ryan.durham@novakdriscoll.com](mailto:ryan.durham@novakdriscoll.com) so I can send you the declaration to sign and let you know where to send it. Also, if you know how to contact Robert and/or Joseph, please let me know.

Thank you very much. Best regards,  
- Ryan Durham

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[Help improve LinkedIn. Send us your feedback.](#)

- Exhibit F -

Page 1 of 1

**Ryan Durham**

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**From:** Ryan Durham  
**Sent:** Thursday, February 26, 2009 11:13 AM  
**To:** remarkowitz1@aol.com; joeoneil2003@yahoo.com; vijay.bhagavath@icn.siemens.com  
**Subject:** 1999-0494-Con  
**Attachments:** 1999-0494-CON Inventor Declaration.pdf

Vijay, Robert, and Joseph,

We are working on a continuation of a patent application of yours from AT&T in 1999. The application relates to on-demand video summaries. We are trying to establish a slightly earlier date of invention based on some documents and emails in our records and have prepared a declaration to that effect.

We ask you to (1) please review the attached declaration for accuracy and let me know if you see anything wrong, (2) sign the declaration, and (3) return the signature page of the declaration to me (preferably electronically at [ryan.durham@novakdruce.com](mailto:ryan.durham@novakdruce.com) )

Best regards,

**Ryan C. Durham**  
Novak Druce + Quigg LLP

Dunkirk Office:  
10415 Southern Maryland Blvd., Suite 100  
Dunkirk, Maryland 20754  
Tele: (202) 531-0654  
Fax: (410) 510-1433

Washington D.C. Office:  
1300 Eye Street, N.W.  
Suite 1000 West Tower  
Washington, D.C. 20005  
Tele: (202) 659-0100  
Direct: (202) 204-1679  
Fax: (202) 659-0105  
[www.novakdruce.com](http://www.novakdruce.com)

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5/21/2009



- Exhibit G -

**Ryan Durham**

---

From: System Administrator  
To: vijay.bhagavath@icn.siemens.com  
Sent: Saturday, February 28, 2009 11:14 AM  
Subject: Undeliverable: 1999-0494-Con

Your message did not reach some or all of the intended recipients.

Subject: 1999-0494-Con  
Sent: 2/26/2009 11:13 AM

The following recipient(s) could not be reached:

vijay.bhagavath@icn.siemens.com on 2/28/2009 11:14 AM  
Could not deliver the message in the time limit specified. Please retry or contact your administrator.  
<radispace.novakdruce.com #4.4.7>

- Exhibit H -

**Ryan Durham**

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**From:** System Administrator  
**To:** vijay.bhagavath@siemens.com  
**Sent:** Thursday, March 05, 2009 3:54 PM  
**Subject:** Undeliverable: 1999-0494-Con

Your message did not reach some or all of the intended recipients.

**Subject:** 1999-0494-Con  
**Sent:** 3/5/2009 3:54 PM

The following recipient(s) could not be reached:

vijay.bhagavath@siemens.com on 3/5/2009 3:54 PM  
- The e-mail account does not exist at the organization this message was sent to. Check the e-mail address, or contact the recipient directly to find out the correct address.  
<radspaces.novatech@siemens.com #5.1.1 smtp:550 5.1.1 <vijay.bhagavath@siemens.com>; Recipient address rejected: User unknown in relay recipient table>